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June 4, 2019

**VIA ECF**

Hon. Cheryl L. Pollak, Magistrate Judge  
U.S. Eastern District Court  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Toussie v. Allstate Insurance Company  
Case No.: 15-CV-05235 (ARR)(CLP)

Dear Judge Pollak,

We were retained by Laura Toussie to represent her in this action on Friday, May 31, and we filed our notice of appearance on Monday, June 3. We are aware that a conference before Your Honor is scheduled for June 12. I will be there.

On behalf of Mrs. Toussie, I write to request a 30-day stay of proceedings (from June 3 to July 3) in order to familiarize myself with the case. Allstate's counsel has declined consent to this request, and has also declined consent to a more limited stay expiring on June 12.

I recognize that there have been multiple substitutions of counsel in this action. Still, Mrs. Toussie's potential liability for the fraud counterclaims appears to stand on very different footing from Mr. Toussie, and it is simply impossible for me to competently represent Mrs. Toussie without having a reasonable opportunity to first review client files, review case history, and perform some minimal factual investigation.

It is my understanding that the sanction award will be paid by Mr. Toussie prior to June 12 and also that Scheyer & Stern will be answering the counterclaims today on Mr. Toussie's behalf.

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In this case, it is especially important to me not to mis-step based on an inadequate understanding and appreciation of the facts. To illustrate the point, Allstate alleges in support of its counterclaims that the Toussies' prior attorneys "were all duly authorized by Robert and Laura Toussie to make representations to Allstate on behalf of Robert and Laura Toussie" (Amended Answer, Doc. 258, ¶ 118), and specifically seeks to impose liability upon the Toussies for a statement made during the litigation by their attorney Mark Goidell (Amended Answer, Doc. 258, ¶ 211) ("Mr. Goidell's claimed understanding regarding there having been no long term maid or housekeeper involved in packing the Residence was a material misrepresentation on behalf of Robert and Laura Toussie, intended to prevent Allstate from adequately investigating the Toussies' claims"). For my sake as well as my new client's sake, I would like to avoid facing allegations that I put myself in a similar situation.

Also in a case like this, it would not be unreasonable for an incoming attorney to request a stay of 60 days or more, but in view of the case history, I am only asking for a 30-day stay which, respectfully, can cause Allstate no substantial prejudice.

Respectfully,



Richard Hamburger

/lc

c: Via ECF:

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